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Legitimacy as a Zero-Sum Game: Presidential Populism and the Performative Success of the Unauthorized Outsider

This article is concerned with a common, and in recent years increasingly pervasive, trope of US presidential performance. Anti-establishment discourse (which also appears in the guise of anti-Washington or anti-Congress rhetoric), accompanied by the positioning of the speaker as an outsider to the political establishment, is so deeply rooted within US politics that it has been described as an innately American habit (Jaffe, 1997) and a strong recurring tendency in US political thought (Hofstadter, [1964] 2008). The emphasis of outsider status in public performances by presidents and presidential candidates has had enduring currency since the candidacy of Jimmy Carter, correlating strongly with historically low figures of public trust in government since Watergate.¹

Despite its long history and current relevance, little attention has been paid to how outsider rhetoric operates performatively within an institutional system of representative politics. Political representation has been understood to operate performatively and through politicians' public performances for some time (Saward, 2014; 2010; 2006). Populism has more recently been theorized along similar lines (Moffitt, 2016). However, this article moves beyond previous scholarship to argue not merely *that* representation is a performative process but to offer a theory that explains *how* elements of what I call 'mainstreamed populism' cultivate legitimation in ways that circumvent how performativity is typically understood to function.

Performances of mainstreamed populism explicitly position speakers in opposition to, rather than in alignment with, the established institutional authority that is usually presumed necessary for a performative utterance to be felicitous (see Austin, 1962; Bourdieu, 1991). Instead of representing institutional authority, outsider

performances thus restructure the terms of legitimacy within a political system. This article argues that this performative restructuring encourages political audiences to perceive legitimacy as a zero-sum game played out between the self-styled outsider (i.e., the president or presidential candidate) and institutions of the federal government, most notably Congress. As such, when legitimacy is whittled away from established institutions and their officeholders through anti-establishment performances, it is conferred upon the populist politician herself instead. Legitimacy is then increasingly perceived in terms of a simplistic binary division of the political space into ‘people plus president’ on one side and ‘political establishment/Washington/Congress’ on the other, with one side perceived to be able to benefit directly at the expense of the other. An individual politician’s, or candidate’s, effort to cultivate legitimacy for herself thus works to detract from the legitimacy of the system.

The perception of legitimacy as a zero-sum game has important implications as contrasting requirements for effective campaigning and effective governing emerge: it will be seen that governing, like most real-life games, is antithetical to the simplistic set-up of the zero-sum game. The risk of pervasive anti-establishment performances is that they paint effective politics as antithetical to compromise, mutual gain, and mutual loss, as well as bringing about a state of affairs in which legitimacy is increasingly only legible for democratic audiences if claims to it are accompanied by the disavowal of previous institutional affiliation. While the competition between political parties in a two-party system has long been seen to play itself out as a zero-sum game (Frieze, 2015; Niou and Ordeshook, 2015), the institutions of the US federal government operate interdependently. As these institutions come to be perceived as engaged in a zero-sum game, compromise is increasingly dismissed as undesirable and requirements for effective campaigning and effective governing diverge sharply.

‘Mainstreamed populism’ is used throughout this article as a shorthand to describe anti-establishment performances in US presidential politics that assert the superiority of the self-styled outsider who acts on behalf of ‘the people’ against the political institutional establishment, which is painted as corrupt. In 2008 and the 2016 US presidential elections anti-establishmentarianism and outsidership were particularly dominant themes, which is why these elections will be drawn on here for examples of mainstreamed populism. Before launching his 2008 presidential campaign, Barack Obama was pointedly advised that he could still run as an outsider to the Washington establishment. Because Obama had not yet completed his first term in the US Senate, both Harry Reid, then Senate Majority Leader, and former Senate Minority Leader Tom Daschle identified Obama’s appeal as a relative Washington outsider (Heilemann and Halperin, 2010, pp. 33–4, p. 70). The opposing McCain campaign pursued a similar message in presenting Senator McCain as a long-time maverick within the Republican Party, initially going so far as to consider Joe Lieberman, then a Democrat, as McCain’s running mate (Heilemann and Halperin, 2010, p. 353). In 2016, the imperative to run as a candidate that would stand up to the Washington establishment seemed to have become even stronger. In all three presidential debates, Donald Trump positioned himself as an outsider by suggesting that his opponent, Hillary Clinton, had had thirty years of ‘bad experience’ working as part of the Washington political elite.² On the Democratic side, the leaked emails of John Podesta, Hillary Clinton’s campaign manager in 2016, show Clinton-Kaine campaign staffers struggling with Hillary Clinton’s status as ‘part of the system’, stressing the need to show that Clinton knows ‘how much has to change’ (Greenberg, 2016), as well as Clinton’s ‘vulnerability to the authenticity attack’ and the need to criticize the incumbent Obama administration (Schwerin, 2015).

‘Mainstreamed populism’ is thus a style of public performance by political actors (see Moffitt, 2016), one that exists on a continuum ranging from performances that incorporate no elements of anti-establishmentarianism nor assert the speaker’s own outsider status to performances focused entirely and forcefully on these elements (see Rooduijn, de Lange, and van der Brug, 2014; Gidron and Bonikowski, 2013; Deegan-Krause and Haughton, 2009). This terminology is intended not to skirt over the differences in public performances by, say, Obama and Trump, but to isolate the commonality and pervasiveness³ of running as an institutional outsider and against the maligned political establishment as a significant factor in producing perceived legitimacy.

By focusing on the paradoxically effective disavowal of institutional authority in performances of mainstreamed populism, this article extends recent work on the performativity of institutions. A good example is Sara Ahmed’s *On Being Included* (2012), which argues that certain institutionally authorized speech acts name commitments without enacting the named effects and therefore tend towards being ‘non-performative’ (p. 117). ‘Non-performatives’ are read as if they brought into effect that which they name but are an institutional way of appearing to do something (combat institutional racism and sexism, for instance) without actually bringing that which is named into effect. These speech acts only *appear* to be performative and in so appearing mask the non-performative character of institutions.

Ahmed’s work complicates received ideas about performativity by positing that it is problematic to assume that felicitous speech acts translate seamlessly into action. The argument this article puts forth can be read as a complement to that position: I am concerned here with questioning the premise that the institutional authority of a speaker ensures performative success. Thus, in contrast to Ahmed’s focus on the performative

ineffectiveness of institutions, I want to explore what appears to be the *high performative effectiveness of the institutional outsider*. This article asks what it is about the disavowal of institutional authority that makes presidential performances of outsidership an apparently compelling strategy. I will argue that the performative operation of such performances proceeds through a complex process of legitimation that involves multiple sources of agency situated outside of institutions as well as widespread political distrust.

In working towards a theory that captures the performative process through which mainstreamed populism cultivates legitimacy, this article first develops a concept of legitimation as a complex process that involves multiple sources of agency and cannot be reduced simply to the conditioning of political subjects through discourse or the autonomous judgement of political actors. I then explore how political representation and performances of anti-establishment outsidership should be understood to function within the present de-democratized political landscape of the United States. The article concludes with a reflection on what is at stake in politicians' performances that work to performatively shift legitimacy in a way that suggests a zero-sum game is being played out between an outside infiltrator and the established institutional structure of federal politics, arguing that the rhetorical evocation of the inter-institutional zero-sum game is incompatible with a political system designed to function much more holistically and cooperatively.

The Performativity of Institutions and Perceived and Shifting Legitimacy

The possibility for a performative speech act to be successful, or 'felicitous', is typically seen to be tied to a number of conditions, notably the institutional standing and authority of the speaker (see Austin 1962; Bourdieu 1991). However, in the case of

public performances of mainstreamed populism it appears, paradoxically, that the disavowal of such standing and authority, coupled with the assertion of outsider status, can be performatively effective. As such, these performances cultivate legitimacy not by representing institutional authority but by disavowing it.

To establish how this process of cultivating legitimacy proceeds, the idea of perceived and shifting legitimacy must first be clarified. While concepts of legitimacy are typically sorted into normative, legal and descriptive variants, this neat separation risks obscuring the intriguing tension between objective and subjective dimensions of legitimacy. This tension is evident, for instance, in Bush-era War on Terror policy. Bush was (at least barring disagreement with the outcome of the *Bush v. Gore* Supreme Court case) elected according to the rules governing US elections and therefore held his position as US President legitimately. However, some of the Bush administration's policy actions, particularly those taken in the context of the so-called War on Terror, were not subjected to established legitimization procedures. Bush's anti-terror actions were nonetheless able to garner 'vast popular legitimacy' because the War on Terror rhetoric used by Bush administration officials exerted a significant affective impact on a large part of the American electorate (Anker 2014, pp. 110–1). As such, the subjective, emotive, and perceptual dimension of legitimacy was able to overrule its formal and objective dimension.

The concept of legitimacy developed here is designed to be applied to politicians' public performances of and claims to their own legitimacy; as such, it brings together the perceptual and performative dimensions of legitimacy to rethink legitimacy as a dynamic and malleable concept that can both shape the perception of a political and institutional system and is at the same time shaped by people's perceptions of individual politicians and the political class as a whole. My argument is that there is

an irresolvable tension between the capacity to shape and the inevitability of being shaped – or, in other words, between the agency of political actors, the agency of political audiences, and the force of a pervasive political discourse.

Typically, scholarship that explores how legitimacy can exist outside of or alongside the formal rules that govern state actions perceived as legitimate builds on Max Weber's (1979) ideas about the belief-based nature of legitimacy in order to bring the malleability of how the terms of legitimacy are perceived within a political system into focus. Michael Saward, for instance, argues that while legitimacy tends to be thought of as a formal, timeless quality, it might instead be more fruitful to explore 'legitimation', understood as an 'open-ended process' that aims to create 'acceptance by appropriate constituents, and perhaps audiences, under certain conditions' of specific would-be political representatives (2010, p. 144). Saward's idea of democratic legitimacy as a continual process of interaction between politicians and political audiences naturally chimes with his argument that political representation should be thought of as a dynamic process of representative claim-making (Saward 2014; 2010; 2006), to which I will return below.

According to Saward, to garner legitimacy, a political representative must make *'provisionally acceptable claims to democratic legitimacy across society ... for which there is evidence of sufficient acceptance ... by appropriate constituencies under reasonable conditions of judgment'* (2010, p. 145, original emphasis). 'Appropriate constituencies' and 'reasonable conditions of judgment' are undoubtedly desirable (though difficult to judge objectively). But this definition brackets the possibility of *unreasonable* conditions of judgment, under which constituencies would presumably be manipulated by the social and/or institutional power of representative claim-makers and accept as legitimate representatives whom they would not be inclined to accept

under more reasonable conditions. Saward's focus on the agency of political audiences is to be applauded;⁴ it nevertheless seems worthwhile to incorporate the force of discourse – as the possibility for less reasonable conditions of judgment – more directly into the conceptualization of perceived and shifting legitimacy. After all, Weber considered plebiscitary leadership derived from charisma as an 'independent source of legitimacy', essentially authoritarian, but capable, by undergoing a process of 'progressive rationalization' to be transformed into the kind of 'democratic legitimacy' that Saward cites (Weber, 1979, pp. 266–7).

In contrast to Saward, Elisabeth Anker's *Orgies of Feeling* (2014) puts forth a concept of 'felt legitimacy' that posits that perceptions of legitimacy can be shaped by political discourse. For Anker, melodramatic political discourse, which radically simplifies and moralizes complex political problems, served to justify state actions taken by the United States during the War on Terror, as the American electorate came to widely perceive such anti-terror actions as legitimate in spite of the fact that many of them were not formally legal. Unlike Saward, then, Anker's conceptualization of 'felt legitimacy' explicitly considers the force of discourse as mobilized by political actors seeking to influence political audiences; this is why her thinking around legitimacy is so valuable here. 'Felt legitimacy' brings together Weber's focus on legitimacy as perception with Michel Foucault's critique of legitimacy, expressed in '*Society Must Be Defended*', as the cultivation of a specific subjectivity that is desired by political power and that both produces and is foisted upon political subjects.

Since the present article is concerned with questions of legitimacy, it resists the Foucault's generalizing claim, made in his Collège du France lecture from 14 January 1976, that, 'Right must ... be viewed not in terms of a legitimacy that has to be established, but in terms of the procedures of subjugation it implements' (2003, p. 27),

Foucault's focus here is on the power of discourse to condition individual subjectivities on a large scale and the implication is that questions of legitimacy themselves are negligible. The Foucauldian perspective is valuable because it can account for the possibility that audiences' judgments of political representatives are influenced by a pervasive political discourse. However, while this limits the agency of political audiences in judging politicians, it seems unreasonable to assume – at least where a reasonably diverse media environment and freedom of the press exist – that such discourse would be able to fully determine the political subjectivity of audiences, in fact subjugating them under an apparently absolute power that nullifies their agency. Anker's more nuanced proposition to combine 'Weber's claim that belief in legitimacy can be created by affective states mobilized by social forces' with 'Foucault's claim that power and discourse produce legitimacy', and thereby open up 'a new claim that the affective states conditioning belief in legitimacy are shaped in part by political discourse' (2014, pp. 117–8) is more productive for the present case. My point is, however, that a more nuanced view like this needs to be taken not just when studying policy like Bush's anti-terror actions, but also when looking at politics – in other words, this view of legitimation can shed light on the struggle for power within representative democracy as well as the policies of a government that is already in place.

As such, neither Anker's concept of felt legitimacy, nor Saward's application of Weber's ideas about democratic legitimacy can be seamlessly applied to this article's focus on shifts of legitimacy as enacted in performances of mainstreamed populism. Saward focuses on the struggle for political power in representative democracy. But his exploration of the agency political audiences possess in judging representative claim-makers has to be nuanced by considering this agency alongside, and in tension with, the force of a pervasive discourse, as it otherwise appears as though political actors

were in a position to determine legitimacy with complete autonomy. Anker, by contrast, focuses on the policies enacted by a government already in place (and therefore presumed to be legitimate in its ability to exercise state power, even if this exercise does not follow established legitimizing procedures), rather than the politics of a struggle for power within representative democracy (as in election campaigns).

The shift from Anker's focus on policy to my focus on politics is first and foremost a shift from potentially hidden power relations to an overt focus on who wields political power. Foucault's emphasis of the justification of sovereign power in his lecture from 14 January 1976 is less applicable here. Foucault argues that, since the Middle Ages, the 'essential function of the technique and discourse of right is to dissolve the element of domination in power and to replace that domination, which has to be reduced or masked, with two things: the legitimate rights of the sovereign on the one hand, and the legal obligation to obey on the other' (2003, p. 26). But this masking of power becomes less relevant in the context of contemporary election campaigns, since these are, after all, an overt struggle for political power.⁵ Furthermore, in the contemporary moment, political trust in the United States is at such historic lows that constituents frequently perceive politicians as power-grabbing egomaniacs bent on self-advancement (see Pew Research Center, 2017; 2015; 2014). This is why, in the democratic struggle for power, political audiences are not simply at the mercy of those elected into positions of institutional authority (and hence, invested with institutional and political power). Neither, however, can it simply be assumed that audiences are operating under reasonable conditions of judgment, however these might be defined. Instead, processes of legitimation operate through a complex, and complexly mediated and mediatized, interplay between those seeking power and those who might elevate them into positions of power. In this, political discourse influences the affective states

and political judgments of audiences, but in ways that remain at least theoretically contestable and open to interpretation, rather than simply cultivating political subjects that are at the mercy of those who dominate them.

Because perceptions of legitimacy are created in the interplay of politicians' performances, audiences' reception, and the force of discourse, specific performative interventions can have the power to shift how legitimacy is perceived within an institutional system. To return to the my example of recent US presidential campaign rhetoric, I posit that, when seen through this lens, Barack Obama's transformation, in 2008, from little known first-term senator into the 'collective representation' that most credibly expressed the electorate's hope and hunger for change (Alexander, 2010, pp. 40-2), can be read as a function of a shift in the public perception of political legitimacy, rather than as a miraculous event. This shift might be seen to have intensified in 2016, when the electorate elevated an even more unlikely outsider, Donald Trump, from reality TV personality and nonserious challenger to the Republican presidential nominee and, eventually, the US presidency. If successful (or 'felicitous'), performances of anti-establishmentarianism by presidential candidates who can credibly present themselves as political outsiders entail a performative shift of legitimacy away from established institutions and their officeholders and onto the populist politician herself. The felicity of this move would then seem to depend not on the politician's pre-existing authority, but, paradoxically, on her (actual or successfully performed) *lack* of prior authorization. In other words, while, in Weber's model, state actions perceived as legitimate are seen to be executed by formally authorized staff, political discourse has the power to rearrange the terms of legitimacy in such a way that such staff are no longer perceived as fully legitimate. Instead, outsiders with no prior

authorization might become privileged in the public perception as more legitimate than the functionaries of an institutional system perceived as corrupt.

This performative restructuring of the terms of legitimacy runs counter to established ideas about performativity and authority. According to J. L. Austin, whose foundational work on performativity has been developed in different directions by Judith Butler and Pierre Bourdieu, a performative utterance not underpinned by ‘some previous procedure, tacit or verbal’ that must ‘have first constituted the person who is to do the ordering an authority’ will be ‘classed as a misfire’, because commands are ‘in order only when the subject of the verb is “a commander” or “an authority”’ (1962, pp. 27–9). From the Austinian perspective, language is thus seen to express authority, rather than shaping it. Bourdieu’s work sharpens this position, stressing that performative felicitousness depend on the authority of the speaker, and that this is ‘an authority whose limits are identical with the extent of delegation by the institution’ (1991, p. 109).

In contrast to Austin and Bourdieu, Butler has asserted that utterances themselves can through ‘the rehearsal of the conventional formulae in non-conventional ways’, force a shift in the terms of legitimacy so that ‘an invocation that has no prior legitimacy can have the effect of challenging existing forms of legitimacy, breaking open the possibility of future [social institutional] forms’ (1997, p. 147). The performances of otherness that this article is concerned with run counter to the logic that emphasises the primacy of social power backed by institutional authority and the consequent delegation of the performative utterance to an epiphenomenal status. As such, the effectiveness of these speech acts seems to confirm Butler’s more dynamic theory of performativity. I posit, further, that the challenging of existing forms of legitimacy has an impact that can exceed each singular instance of political rhetoric. It

can shape how the legitimacy of the political system as a whole is perceived, turning legitimacy into a competitive zero-sum game. That is what is at stake in US presidential populism.

If we accept both the importance of subjective perceptions of legitimacy and the possibility that performative speech might enact shifts in how legitimacy is perceived, then it becomes possible to argue that specific patterns of political discourse shift how audiences perceive legitimacy within a political system. In this, the success or failure of performative claims to legitimacy still depends, as for Saward, on the judgements of political audiences. Thus, for instance, it was up to political audiences to make the judgement that the first-term Senator Barack Obama performed the change message more persuasively than the long-time maverick John McCain did in 2008. While the cards were arguably stacked against McCain, because it is always difficult for a presidential candidate to follow an incumbent of the same party to electoral success,⁶ this perception was not inevitable. It would have been within the realm of possibility, for instance, for the electorate to instead perceive Obama as an overly ambitious career politician and McCain as a tried and tested war hero. While audiences thus do retain a measure of agency, the larger point this article is seeking to make is that shifts in legitimacy enacted by populist rhetoric can turn legitimacy into a zero-sum game in which the dominant political discourse continuously subtracts legitimacy from established political institutions and incumbent officeholders and instead confers it upon political outsiders. While democratic audiences have agency in their judgement of individual political actors, it might therefore become increasingly difficult to perceive legitimacy as inhering within political institutions, to the point that the disavowal of affiliation with political institutions might, in the perception of most audiences, become a prerequisite for the successful performance of claims to

legitimacy.⁷ In other words, while performative utterances in political discourse have the potential to reorganize or contribute to reorganizing the terms of legitimacy, audiences might ultimately become predisposed to follow a particular, dominant pattern of perceiving democratic legitimacy, especially when populist rhetoric is pervasive.

Populist Claims to Represent

Mainstreamed populism is a strategy that cultivates legitimation through outsider rhetoric and anti-establishment discourse. As this section will show, this strategy promises to be particularly successful if it operates within a de-democratized political environment, where it further undermines the perceived legitimacy of the political system as a whole, precisely by stoking extant widespread distrust of the system and its functionaries. Anti-establishment outsider discourse thus works to performatively structure legitimacy in the terms of a zero-sum game: a political actor deploying elements of mainstreamed populism seeks to take legitimacy away from political institutions and to confer it instead upon herself, through the presentation of herself as an outsider who can purify the tainted system.

To understand how ideas about performative shifts in the perception of legitimacy apply to public performances by politicians, it is useful to refer back to Saward's theorization of the representative claim. For Saward, politicians, as makers of representative claims, performatively constitute, or evoke, their constituencies by ascribing certain characteristics to them. The politician simultaneously constitutes herself as the ideal representative of the audience possessing the named characteristics. This mutual constitution of the speaker and her constituency on the basis of specific, usually shared, characteristics is the representative claim; it is performative because it interpellates both the constituent-audience and the politician-speaker (2006, pp. 301–

6). What follows from this theory is that, in order to make a felicitous representative claim, the claim-maker needs to evoke her constituency in a way that resonates with the audience's sensibilities. It is therefore imperative that the politician is able to tap into the audience's prevailing political concerns and reflect these back to them in a way that offers a productive way forward. If a politician at this stage employs what have been identified as common tropes of populist-style performance – outsider positioning; anti-establishment, anti-government, or anti Congress rhetoric; the evocation of a sense of crisis; and/or breaks with the stylistic register considered to be appropriate (see, e.g., Moffitt 2016, pp. 41–50) –, we can presume that she is attempting to tap into an anti-establishment sensibility that she supposes exists among her audience.

It is worth dwelling here on the empirical case for why anti-establishment representative claims might be particularly compelling to voters in the United States in the contemporary moment. In other words, we might ask how the current popularity of presidential anti-establishment rhetoric and outsider positioning in candidates from Obama, McCain, and Palin to Trump and Sanders might be seen to be playing into and adding fuel to an already extant tendency at work in US politics. If political conditions since Watergate have increasingly privileged anti-institutional and anti-Washington performances by presidents and presidential candidates while encouraging voters' perception of such anti-institutional claim-makers as more legitimate and authentic than institutional insiders, then how might this speak to voters' political aspirations and concerns?

Most conspicuously, presidential populism promises to reassert the voice of 'the people' within the political sphere. Obama's 2008 campaign rhetoric against the 'ways of Washington' as well as later instances of rhetoric that stressed, for instance, the corruption of Congress by the gun lobby (see Obama, 2016), and Donald Trump's 2016

campaign promise to ‘drain the swamp’ (see Donald J. Trump for President, 2016) were all expressed on behalf of ‘the people’ against a tainted political establishment that is perceived as having ceased to work on the people’s behalf. As such, these performances purport to *re*-democratize a previously *de*-democratized political sphere.

Scholarship has persuasively linked the de-democratization of the United States both broadly to the rise of neoliberalism since Ronald Reagan (Brown, 2015; Harvey, 2007) and more specifically to the securitization of US policy since 9/11 (Wolin, 2008). With respect to the effect of neoliberal economization on political subjects and institutions, Wendy Brown has argued that ‘[i]t is difficult to overstate the significance for democracy of [the neoliberal] remakings of the purpose of both states and citizens’, since neoliberalization entails ‘the dramatic curtailment of public values, public goods, and popular participation in political life’ (2015, p. 42). Further, neoliberalism has been seen to bring about about the ‘destruction of public life and especially educated public life’ as well as the ‘marketization of the political sphere’ such that ‘it dramatically thins public life without killing politics’, though politics is rendered ‘unappealing and toxic’ (Brown 2015, p. 39). In addition, it has been posited that, following 9/11, as presidential power expanded and dissenting political views became increasingly more difficult to articulate, these developments appeared to be governed by ‘abstract totalizing powers’ rather than by the vision of strong political leaders such that, by obscuring its true, totalizing character, ‘significant change would then appear as a modest attenuation of previous tendencies’ (Wolin, 2008, p. 42, p. 44). Sheldon Wolin argues this has meant that ‘democratic myths ... have become detached from democratic practice’ as the political disengagement of citizens has been increasingly encouraged and the United States has been turned into a ‘managed democracy’, where ‘[t]he political role of corporate power, the corruption of political and representative processes by the

lobbying industry, the expansion of executive power at the expense of constitutional limitations, and the degradation of political dialogue promoted by the media *are* the basics of the system, not excrescences upon it' (p. 52, p. 287, emphasis in original). In sum, as neoliberalism de-democratizes political life, democratic government has been seen to become increasingly ineffective in working for citizens. There is thus a 'strong emphasis of governance on consensus', a palpable 'hostility to politics' and a privileging of managerial modes of governance that barely require the input of voters (Brown, 2015, p. 127).

In the United States, neoliberal de-democratization has been accompanied by the decline of trust in politicians and political institutions (Pew Research Center, 2015; Twenge, Campbell, and Carter, 2014; van der Meer, 2017), as well as by the mainstreaming of a kind of conspiracy culture that, stimulated by the rise of the security state following the Second World War and significant events like the Kennedy assassination and the Watergate scandal, 'has permeated American culture' as a 'default suspicion towards the authorities' (Knight, 2000, p. 31). Voter disaffection and disenfranchisement have thus been linked to effects of neoliberalization like the influence of corporate lobbyists and the increasingly managerial, dissent-averse, and – at worst – creepingly totalitarian, mode of politics. At the same time, trust in institutions – particularly, but not limited to, government institutions – has eroded at the same time as negative partisanship has risen dramatically (Abramowitz and Webster 2018). All of this is evidence for the widespread disillusionment of voters with the possibility of effecting positive change through democratic institutions.

The currency of presidential performances of outsider status must be read in this context of de-democratization. As neoliberal managerialism has sought to limit dissenting political expression, the appeal of presidential populism might be seen as

indicative of an aspiration to re-insert dissenting expression and re-democratize a political system whose democratic character is now perceived as primarily mythical rather than actively practiced. As such, the appeal of presidential populism might be understood in terms of its offering a forceful reinsertion of conflict in reaction against consensual and managerial politics.⁸ This of course does not mean that populist claim-makers, once elected to the presidency, succeed in or even work towards actually re-democratizing the de-democratized political sphere. It does, however, serve to illustrate why performances of unauthorized, anti-institutional outsidership might project a vision of re-democratized politics that is aspirationally desirable to voters in the contemporary moment.⁹

In short, then, as the electorate has become politically disillusioned, voters might see themselves more and more as standing in antagonistic opposition to the political establishment. This opposition between ‘the people’ and their perceived enemy, the establishment, is widely seen as a defining element of populism. According to Ernesto Laclau’s *On Populist Reason*, which attempts to account for populism in performative terms,¹⁰ such opposition performs a binary division of the political space when there exist among an electorate a variety of unmet demands that come to be seen as equivalent to each other, in a process by which they ‘constitute a broader social subjectivity’, which creates ‘a widening chasm separating the institutional system from the people’ (2005a, pp. 73–4). For Laclau, populism thus consists of ‘the unification of a plurality of demands in an equivalential chain’, the consolidation of this chain ‘through the construction of a popular identity’, and ‘the constitution of an internal frontier dividing society into two camps’ (p. 77). This configuration, I posit, makes it possible for a representative claim-maker to mobilize the dissatisfaction and division

within the electorate in an attempt to garner legitimacy and become elevated into the position of populist leader.

While Laclau asserts that ‘the symbolic unification of the group around an individuality [i.e., a leader] ... is inherent to the formation of a “people”’ (2005a, p. 100), *On Populist Reason* is less clear on how this leader is chosen or how one among many potential leaders might make effective use of rhetoric to be elevated into the leader figure seen as capable of representing the populist movement. However, building on Saward’s theory of representative claim-making, it is possible to shed light on the performative act that elevates a politician into a figure of identification for a populist movement. In using populist rhetoric, the politician taps into the existing anti-establishment sentiment and both feeds and draws on the suspiciousness with which the institutional structure has already come to be viewed. The politician thus mobilizes the existing populist division of society into two camps, the dissatisfied people and the unsatisfactory establishment, for her own political gain. By presenting herself to the electorate as an outsider intent on infiltrating the tainted system with the intent of purifying it, the politician thus performatively constitutes herself as a credible representative of ‘the people’, as defined by their disillusionment with the political establishment.

This sort of outsider positioning can be seen, for instance, in Obama’s campaign launch announcement: Obama’s statement ‘I know that I haven’t spent a lot of time learning the ways of Washington. But I’ve been there long enough to know that the ways of Washington must change’ (qtd. in Heilemann and Halperin, 2010, p. 74) conveys the sense that the speaker had gotten a glimpse of Washington’s political dysfunction but had not been indoctrinated into the system (yet) and was therefore eager to report back to the people on the dysfunction he had found. As a junior senator who

had yet to complete his first term, as the US's would-be first black president, and as a candidate who built his campaign around the idea of 'hope' and 'change', Obama was able to persuasively channel the simmering populist division of society in his 2008 election campaign. Thus, through the rejection of political institutions a sense of legitimacy was created, as the politician – Obama in this case – encouraged the perception of himself not as part of a maligned institutional structure, but as a separate personal, and therefore more trustworthy, entity. While running with a radically different policy agenda to Obama, Donald Trump arguably rode the same wave of disenchantment with the political establishment in his 2016 campaign and thus connected with key demographics even in previously tendentially Democratic states, such as Wisconsin, Pennsylvania and Michigan, which proved decisive in the election and had previously been won by Obama.¹¹

If a populist representative claim is felicitous, then the politician making that claim is accepted by the people as their ideal anti-establishment representative. The development of the movement/constituency was thus aided by, but it also, crucially, preceded and was not wholly dependent on, the politician's intervention in it via the representative claim. Following Saward, would-be constituents are in a position to make a judgement about whether or not a politician can credibly represent them. Equally, however, because anti-establishment sentiment precedes and is more pervasive than any particular representative claim made by a single politician, the populist discourse employed by this politician will be more powerfully resonant than discourse generated by any single individual in isolation could possibly be. When Obama ran for president in 2008, he had been preceded by George W. Bush's foreign-policy populism (Foley, 2007), Bill Clinton's outsider appeal as a saxophone-playing showman who could feel people's pain (see Herbert, 2016), Ronald Reagan's indelible

antipolitics of ‘government is the problem’ (Reagan, 1981), and Jimmy Carter’s outsider appeal that asked for ‘an unusual kind’ of trust, one that ‘necessitated a leap of faith, a giving of the heart of to an unknown stranger’ (Glad, 1980, p. 367).¹² In other words, the electorate have, since Watergate, come to expect presidential candidates to profile themselves in contrast to the political establishment.

Thus, to a certain extent, it is possible to follow Foucault’s 1976 position and assert that the people’s subjectivity will already have been conditioned by a particular anti-establishment political discourse that now predisposes them to accept the populist representative claim. In effect, as people’s dissatisfaction with the political establishment has whittled away at the perceived legitimacy of political institutions, a politician’s representative claim that further denies those institutions their legitimacy can enact a further shift of legitimacy. Even as democratic procedures and legal norms remain in place, the risk is that, if a paradigm of mainstreamed populist performance persists, legitimacy might increasingly become legible through the disavowal of affiliation with democratic institutions, rather than through the affirmation of the value these institutions have for the people. The danger is that political audiences might perceive themselves as living in illiberal, corrupt, and undemocratic circumstances, with political institutions stacked against them, regardless of the actual degree of corruption or illiberalism.

Legitimacy as a Zero-Sum Game

It is important to stress that the kind of anti-establishment performance this article is concerned with only works when the populist politician in question can convince audiences to perceive her as an outsider to or at least a maverick within the political system. The relatively inexperienced Obama managed to do this successfully in 2008,

whereas McCain, who had been a senator since 1987, struggled in comparison. In 2016, Trump, who had never held public office, had the upper hand over Clinton, who had spent thirty years in public service. Therefore, if the politician in question can credibly perform her outsider position vis-à-vis the establishment and portray herself as part of, and willing to take action for, the people, she can then channel the prevalent anti-establishment sentiment to benefit her campaign. Thus, the felicity of the anti-establishmentarian shift of legitimacy away from the established institutions (whose perceived legitimacy had already been worn away) and onto the populist politician as a representative of the people's movement depends not on the politician's pre-existing authority, but precisely on the *lack* of prior authorization. Paradoxically, it is the outsider position – in combination with the skill with which it is performed – that confers to the speaker the credibility and social power necessary to assume the position of legitimate leader of the people against the establishment.

Additionally, legitimacy is not just something political audiences perceive to inhere within individual makers of representative claims, but is constituted in the interplay between audiences, performers, and the force of discourse. As such, as performances of outsidership structure legitimacy in the terms of a zero-sum game, these performances become increasingly legible as legitimate whereas the maligned political institutions are increasingly delegitimized. Since Watergate, and with increasing urgency in the last two presidential elections, US presidential candidates and presidents have tended solicit the people's acceptance by maligning other institutions, especially Congress, and presenting themselves as contrasts to these institutions and as possessing a more direct connection, however virtual and/or illusory, to the people. In other words, they attempt to manipulate perceptions of legitimacy by rhetorically working to take legitimacy away from Congress and conferring it upon themselves.

This presents a sharp contrast to earlier patterns of presidential performance. Thomas Jefferson's 1801 inaugural address, for instance, explicitly stressed the interdependence of the institutions of the constitutional order, as Jefferson confessed: 'Utterly, indeed, should I despair did not the presence of many whom I here see remind me that in the other high authorities provided by our Constitution shall find resources of wisdom, of virtue, and of zeal on which to rely under all difficulties'. The Jeffersonian model illustrates that, prior to the turn of the nineteenth century, the US president was felt to be legitimate because he functioned as one cog in the state machine and performed this role in public by presenting himself as the chief explicator the US Constitution (which, as a suprapolitical focal point, lent legitimacy to the political system as a unified whole) (see Tulis 1987).

By contrast, the perception pushed in anti-establishment performances is that the tainted Congress and the president, who is figured as its purifier, have diametrically opposed interests, so that one of the players may benefit directly at the other's expense and both players cannot benefit at once: Congress is figured as wanting to go on in its present corrupt state, while the president/presidential candidate wants to cleanse it of its corruption. It is evident that both strategies cannot be successfully pursued at once. Diametrically opposed interests, one player benefiting at the expense of the other, and the impossibility of both players gaining if they are deprived of all or some of their strategies are properties of strictly competitive and, more specifically, zero-sum games (Encyclopædia Britannica, 2015; Kolokoltsov and Malafeyev, 2010, pp. 5–6). Thus, in populist presidential performance, legitimacy is configured in terms of the zero-sum game: institutions are pitted against each other and the perception of the political system as a unified whole is discouraged.

Of course voting itself, at least in a two-party system, can present itself as a binary choice in any case and election outcomes come down to clear winners and losers, especially if negative partisanship predominates and election coverage focuses on campaign strategy above all else. However, while election outcomes in a majority voting system might therefore also be seen as a kind of zero-sum game that plays itself out between two major parties and the preferences of voters (see Frieze, 2015, p. 224; Niou and Ordeshook, 2015, p. 139), these inter-party struggles are built into the system. In contrast to this, presidential rhetoric that denigrates Congress opens up different kind of zero-sum game entirely. In this game, the people are invited by the presidential performer to align themselves with the president as a political outsider against the political system more broadly conceived. Far from being built into it, this kind of inter-institutional zero-sum game actually undermines the legitimacy of the political system.

It should be noted here that most games that arise in practice are not zero-sum games, as it is far more common for players to ‘have both common and opposed interests’. For instance,

a buyer and a seller are engaged in a variable-sum game (the buyer wants a low price and the seller a high one, but both want to make a deal), as are two hostile nations (they may disagree about numerous issues, but both gain if they avoid going to war). (Brams and Davis, 2017)

Similarly, in US federal politics, if effective governing is the goal, then the president and Congress have to work together, as Congress needs to avoid presidential vetoes and the president needs the legislature to pass legislation in line with his policy preferences. While the players may not agree on all or even most policies they want to pursue, it is nevertheless clear that their actual situation is far from the diametric opposition of the

zero-sum game. This is especially the case because the configuration of the zero-sum game is incompatible with the idea of compromise, which would rather require the thinking underlying the positive-sum game ('win-win' situation) or, perhaps more likely, the negative-sum game ('lose-lose' situation).

What this discussion of basic game theory points to, then, is the contrast between starkly divisive public performances and the requirements for effective governing: populist rhetoric evokes a picture in which it looks like the positions on either side of the central binary divide have opposed interests. In other words, if the 'people plus president' win, then the corrupt establishment loses (or is replaced), and vice versa. Thus, in performances of presidential populism, one player's successful strategy is figured as her opponent's loss, and this configuration serves to shore up presidential legitimacy against an increasingly maligned Congress, which appears more and more illegitimate precisely as a result of the strategy by which the presidential player seeks to gain legitimacy through rhetoric that deprives Congress of it. As such, similarly to the educational institutions that Ahmed (2012) observes to be performatively ineffective in their resort to 'non-performative' speech acts, the institutions of the US federal government do not appear to function with performative effectiveness. Self-styled institutional outsiders since Watergate have been able to capitalize on this. Much like the melodramatic political discourse employed during the War on Terror which is the focus of Anker's (2014) study, performances of outsidership and anti-establishmentarianism serve to radically simplify the political space in a way that may be performatively effective in a political environment perceived to have been de-democratized. Ultimately, however, these performances paint a more starkly divisive picture than is compatible with the system's institutional set-up.

Notes

¹ Having fallen to 36 percent in 1975, half the level at which they had been a decade earlier, figures of political trust that extrapolate to the entire US electorate (rather than looking at party splits) rose again during the Reagan presidency and to more limited extent in the later years of the Clinton presidency, but these figures have never again come close to a pre-Nixon level and have only surpassed the 50 percent mark once: in the aftermath of 9/11 (Pew Research Center, 2017; 2015; 2014).

² In the first debate held on 26 September 2016 at Hofstra University, Trump said, 'Hillary has experience, but it's bad experience'. In the second debate, held on 9 October 2016 at Washington University in St. Louis, Trump paraphrased the point, saying, 'But she's been there for thirty years, she's been doing this stuff, she never changed, and she never will change'. In the third debate, held on 19 October 2016 at the University of Nevada, Las Vegas, Trump said, 'I say the one thing you have over me is experience. But it is bad experience because what you've done has turned out badly'. Transcripts of the debates are by Politico Staff (2016a; 2016b; 2016c).

³ For discussions of the mainstreaming of populism in Western democracies, see Mudde (2004) and Ardit (2007).

⁴ In fact, Saward's concept of the representative claim as open to audiences' and constituencies' judgment provides a more rigorous theorization of Jeffrey Alexander's claim that the electorate elevates a successful presidential candidate into 'a collective representation – a symbolic vessel filled with what citizens hold most dear' (2010, p. 18). Saward therefore usefully concretizes the connection between politics and performance as it relates to the function of politicians' public performances within representative democracy.

⁵ One might also think back here to Eve Sedgwick's persuasive argument that the Foucauldian project of unmasking the operation by which power conceals its domination presumes that 'violence would be deprecated and hence hidden in the first place' – a circumstance which, for Sedgwick, is frequently no longer given, partly as a result of influence of hermeneutics of suspicion (1995, p. 140).

⁶ For instance, the National Constitution Center notes that 'in seven of the last nine elections, voters have decided to switch the party controlling the White House when a candidate (or his successor) had won two prior elections' (NCC Staff, 2013).

⁷ In recent research on US presidential performances since Watergate, presidential speechwriters overwhelmingly cite the fragmentation of media environment, the oversaturation with political media coverage, media antagonism as well as audiences' diminishing attention spans and entertainment-like political reporting as significant factors impacting their work (Peetz 2019). Moffitt identifies such developments as making it '*increasingly difficult* to ignore the pull of populism' (2016, p. 77). Speechwriters moreover note the prevalence of running against Washington/the establishment/government and suggest that ideological differences in the anti-establishment rhetoric employed by Republicans and Democrats were not easily perceptible to political audiences, with one Bill Clinton White House speechwriter stating that 'we'll never get back to a place where, you know, collectively, people are willing to suspend disbelief in a politician for very long' (qtd. in Peetz 2019, p. 217).

⁸ C.f. Chantal Mouffe's radical democratic theory on the emptying out of political life's essential agonism in consensual politics (2013; 2005).

⁹ Even if self-styled outsider candidates retain their outsider status while in office, however, this does not necessarily translate into a surge of public trust. The case of Jimmy Carter illustrates this. While Carter's appeal as a post-Watergate presidential

candidate has been linked to the cataclysmic decline in political trust that followed Nixon's resignation (Cannon, 1991; Glad, 1980; Hess, 2002), distrust in the federal government rose sharply during Carter's presidency, capping at 70 percent in March 1980 (Pew Research Center 2014). In other words, performances of outsidership may be aspirationally appealing to a distrusting electorate, but have not proven to be a remedy for political distrust.

¹⁰ Laclau's theory of populism has provoked considerable criticism, not least because it conflates populism with politics (2005b, p. 47). Unlike for instance Jacques Rancière's distinction between politics and the police (2010), which likewise defines politics in terms of its disruption to existing institutional structures, Laclau's conflation threatens to narrow the scope of political enquiry. This is so because the conflation of populism with politics implies a) that all of politics should be analysable through Laclau's theory of populism and b) that no other analysis would be either valid or productive. Moffitt objects to Laclau's conceptual conflation on these grounds, charging Laclau's theory with being reductive and empirically indefensible (2016, p. 25; see also Ardit, 2007, p. 48, p. 58). Despite the reservations brought about by Laclau's conceptual overreach, however, his theorization of populism on formal grounds can still be productively integrated into the present enquiry into populism and shifting legitimacy. This is so because, like Saward's theory of representation, Laclau's theory of populism embeds elements of performativity in the collective constitution of the people as an entity defined by its opposition to the establishment. This part of my theorization of populism and shifting legitimacy therefore builds on Saward's ideas of politicians as makers of representative claims and Laclau's ideas about the formation of populist elements within society to show how the performative elevation of a maker of representative claims into a populist leader can enact and exacerbate shifts of

legitimacy. To account for the appeal of mainstreamed populism in US presidential politics is, I posit, to think through the role of politicians who act within and upon a society with significant populist elements.

¹¹ For a quantitative view of the decisive role played by Michigan, Wisconsin and Pennsylvania in the 2016 election, see, e.g., Meko et al. (2016).

¹² George H. W. Bush's presidency can, in this context, been seen as an extension of the Reagan administration, since Bush had served as Reagan's vice president for two terms. Bush's presidential campaign stressed his involvement in the Reagan White House and his commitment to continuing Reagan's legacy (Knott, n. d.). Bush's inaugural address (1989) reaffirmed this by opening with the statement that Reagan had 'earned a lasting place in our hearts and in our history'.

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